

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 153

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 31-3908, IDAHO
2 CODE, TO DEFINE A TERM; AMENDING SECTION 31-3909, IDAHO CODE, TO RE-
3 VISE LANGUAGE RELATING TO IMMUNITY AND TO MAKE TECHNICAL CORRECTIONS;
4 AMENDING SECTION 56-1012, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION
5 56-1013, IDAHO CODE, TO AUTHORIZE THE PROVISION OF COMMUNITY HEALTH
6 EMERGENCY MEDICAL SERVICES BY CERTAIN PERSONNEL; AMENDING SECTION
7 56-1014, IDAHO CODE, TO ESTABLISH IMMUNITY FOR PROVIDERS OF COMMUNITY
8 HEALTH EMERGENCY MEDICAL SERVICES; AND PROVIDING LEGISLATIVE INTENT.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Section 31-3908, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 31-3908. AMBULANCE DISTRICT AUTHORIZED. (1) The county commissioners
14 of any county shall, upon petition signed by not less than fifty (50) quali-
15 fied electors of said county, or any portion thereof, which may exclude in-
16 corporated cities, undertake the following procedure to determine the ad-
17 visability of resolving to establish and maintain an ambulance service dis-
18 trict within the county as may be designated in the petition.

19 (a) A petition to form an ambulance service district shall be presented
20 to the county clerk and recorder. The petition shall be signed by not
21 less than fifty (50) of the resident real property holders within the
22 proposed district. The petition shall designate the boundaries of the
23 district.

24 (b) The petition shall be filed with the county clerk and recorder of
25 the county in which the signers of the petition are located. Upon the
26 filing of the petition the county clerk shall examine the petition and
27 certify whether the required number of petitioners have signed the
28 petition. If the number of petition signers is sufficient, the clerk
29 shall transmit the petition to the board of county commissioners.

30 (c) Upon receipt of a duly certified petition the board of county com-
31 missioners shall cause the text of the petition to be published once a
32 week for at least three (3) consecutive weeks in a newspaper of general
33 circulation within the county. With the publication of the petition
34 there shall be published a notice of the time of the meeting of the board
35 of county commissioners when the petition will be considered stating
36 that all persons interested may appear and be heard. No more than five
37 (5) names attached to the petition shall appear in the publication and
38 notice, but the number of signatures shall be stated.

39 At the time of filing the petition the sponsors thereof shall cause
40 to be deposited with the county clerk a sufficient sum of money to cover
41 the cost of publication of the petition and all necessary notices. If
42 the petition and notices are not published the deposit shall be returned

1 to whomever deposited the funds, and if there is any surplus remaining
2 after paying for the publication as herein provided it shall be returned
3 to the original depositors, and if a district is created the fees so ex-
4 pended are an obligation of the district and shall be repaid by the dis-
5 trict to the depositors.

6 (d) At the time set for hearing the petition, the board of county com-
7 missioners shall hear all persons who desire to be heard relative to the
8 creation of an ambulance service district. The board of county commis-
9 sioners may, if they so desire and it appears desirable, adjourn the
10 meeting for not to exceed thirty (30) days in time to further hear the
11 petitioners and protestants, if any. After the hearing or hearings, the
12 board of county commissioners shall adopt a resolution either creating
13 the proposed ambulance service district or denying the petition. When
14 the board of county commissioners creates an ambulance service district
15 the board shall adopt a resolution describing the boundaries of the dis-
16 trict.

17 (e) When the board of county commissioners adopts the resolution creat-
18 ing the ambulance service district, the board shall include in the res-
19 olution the name of the district, and file a copy of the order creat-
20 ing the district with the county clerk and recorder, for which the clerk
21 shall receive a fee of three dollars (\$3.00).

22 (f) Procedures for annexation, deannexation, or dissolution of a dis-
23 trict created pursuant to this section shall be in substantial compli-
24 ance with the provisions for public notice and hearing provided herein,
25 and shall be by resolution adopted by the board of county commissioners.

26 (2) When the board of county commissioners has ordered the creation of
27 an ambulance service district, pursuant to the provisions of this section,
28 such district is hereby recognized as a legal taxing district, and providing
29 ambulance service is a governmental function.

30 (3) The board of county commissioners shall be the governing board of an
31 ambulance service district created pursuant to this section, and shall exer-
32 cise the duties and responsibilities provided in chapter 39, title 31, Idaho
33 Code.

34 (4) In any county where an ambulance service district is created as pro-
35 vided herein, the board of county commissioners is authorized to levy a spe-
36 cial tax, not to exceed four-hundredths percent (.04%) of market value for
37 assessment purposes, except as authorized by paragraph (a) of this subsec-
38 tion, upon all taxable property within the district for the purposes of the
39 district, but the levy otherwise authorized in section 31-3901, Idaho Code,
40 shall not be made on taxable property within the district.

41 (a) In any county where an ambulance service district:

42 (i) Was created as of January 1, 1976,

43 (ii) Had at the time of its creation a market value for assessment
44 purposes of the district of less than three hundred million dol-
45 lars (\$300,000,000), and

46 (iii) The service provided by the district is an advanced life sup-
47 port paramedic unit,

48 the board of county commissioners may submit to the electors within the
49 district the question of whether the levy authorized in subsection (4)
50 of this section may be increased to a levy not to exceed six-hundredths

1 percent (.06%) of market value for assessment purposes upon all taxable
 2 property within the district for the purposes of the district, if ap-
 3 proved by a minimum of two-thirds (2/3) of the qualified electors of the
 4 district voting at an election called for that purpose and held on the
 5 May or November dates provided in section 34-106, Idaho Code, but the
 6 levy otherwise authorized in section 31-3901, Idaho Code, shall not be
 7 made on taxable property within the district.

8 (5) The board of county commissioners is authorized by resolution to
 9 create an ambulance district capital improvement account. The board may
 10 dedicate all or a portion of the fees and taxes collected pursuant to this
 11 chapter to the capital improvement account for the purpose of purchasing
 12 necessary buildings, land or equipment for the operation of the district.
 13 The board is further authorized to carry over and add to the funds in the
 14 account from year to year in order to make the purchases authorized by this
 15 subsection.

16 (6) As used in this chapter, "ambulance district" or "ambulance service
 17 district" means a political subdivision formed to provide ambulance trans-
 18 port, emergency medical services as defined in section 56-1012, Idaho Code,
 19 community health emergency medical services as defined in section 56-1012,
 20 Idaho Code, and/or other activities necessary to meet the community health
 21 needs of the district.

22 SECTION 2. That Section 31-3909, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 31-3909. IMMUNITY OF AMBULANCE ATTENDANT. No action shall lie or be
 25 maintained for civil damages in any court of this state against any person or
 26 persons, or group of persons, including ambulance attendants employed by an
 27 ambulance service district, who offers and administers first aid, ~~or~~ emer-
 28 gency medical attention or community health emergency medical services as a
 29 part of his normal duty as an ambulance attendant to any person or persons
 30 utilizing the services and facilities of an ambulance service district, un-
 31 less it can be shown that the person or persons offering or administering
 32 first aid or emergency medical attention is guilty of gross negligence in the
 33 care or treatment offered or administered, or has treated them in a grossly
 34 negligent manner. The immunity described herein shall cease upon delivery
 35 of the injured or treated person to either a generally recognized hospital
 36 for treatment of ill or injured persons, or upon assumption of treatment in
 37 the office or facility of any person undertaking to treat said ill or injured
 38 person or persons.

39 SECTION 3. That Section 56-1012, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

41 56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1023,
 42 Idaho Code:

43 (1) "Advanced emergency medical technician" means a person who has met
 44 the qualifications for licensure as set forth in sections 56-1011 through
 45 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011
 46 through 56-1023, Idaho Code, carries out the practice of emergency care

1 within the scope of practice determined by the commission and practices un-
2 der the supervision of an Idaho licensed physician.

3 (2) "Agency" means any organization licensed by the EMS bureau that op-
4 erates an air medical service, ambulance service or nontransport service.

5 (3) "Air ambulance" means any privately or publicly owned fixed wing
6 aircraft or rotary wing aircraft used for, or intended to be used for, the
7 transportation of persons experiencing physiological or psychological ill-
8 ness or injury who may need medical attention during transport. This may
9 include dual or multipurpose vehicles which otherwise comply with sections
10 56-1011 through 56-1023, Idaho Code, and specifications established by
11 board rule.

12 (4) "Air medical service" means an agency licensed by the EMS bureau
13 that responds to requests for patient care and transportation from hospitals
14 and EMS agencies using a fixed wing aircraft or rotary wing aircraft.

15 (5) "Ambulance" means any privately or publicly owned motor vehicle
16 or nautical vessel used for, or intended to be used for, the transportation
17 of sick or injured persons who may need medical attention during transport.
18 This may include dual or multipurpose vehicles which otherwise comply with
19 sections 56-1011 through 56-1023, Idaho Code, and specifications estab-
20 lished by board rule.

21 (6) "Ambulance service" means an agency licensed by the EMS bureau op-
22 erated with the intent to provide personnel and equipment for medical treat-
23 ment at an emergency scene, during transportation or during transfer of per-
24 sons experiencing physiological or psychological illness or injury who may
25 need medical attention during transport.

26 (7) "Applicant" means any organization that is requesting an agency li-
27 cense under this chapter and includes the following:

28 (a) An organization seeking a new license;

29 (b) An existing agency that intends to change the level of licensed per-
30 sonnel it utilizes;

31 (c) An existing agency that intends to change its geographic coverage
32 area, except by agency annexation;

33 (d) An existing nontransport service that intends to provide ambulance
34 service;

35 (e) An existing ambulance service that intends to discontinue trans-
36 port and become a nontransport service.

37 (8) "Board" means the Idaho board of health and welfare.

38 (9) "Commission" means the Idaho emergency medical services physician
39 commission.

40 (10) "Community emergency medical technician" or "community EMT" means
41 an emergency medical technician or advanced emergency medical technician
42 with additional standardized training who works within a designated commu-
43 nity health emergency medical services program under local medical control
44 as part of a community-based team of health and social services providers.

45 (11) "Community health emergency medical services" or "community
46 health EMS" means the evaluation, advice or treatment of an eligible recip-
47 ient outside of a hospital setting, which is specifically requested for the
48 purpose of preventing or improving a particular medical condition, and which
49 is provided by a licensed emergency medical services agency. Community

1 health EMS involving or related to emergency response must be provided by or
 2 in coordination with the primary 911 response agency for that area.

3 (12) "Community paramedic" means a paramedic with additional standard-
 4 ized training who works within a designated community health emergency med-
 5 ical services program under local medical control as part of a community-
 6 based team of health and social services providers.

7 (13) "Department" means the Idaho department of health and welfare.

8 (14) "Eligible recipient" means an individual eligible to receive com-
 9 munity health emergency medical services, as determined by rule of the EMS
 10 bureau or a local community health emergency medical services program.

11 (15) "Emergency medical responder" means a person who has met the qual-
 12 ifications for licensure as set forth in sections 56-1011 through 56-1023,
 13 Idaho Code, is licensed by the EMS bureau under sections 56-1011 through
 14 56-1023, Idaho Code, carries out the practice of emergency care within the
 15 scope of practice determined by the commission and practices under the su-
 16 per vision of an Idaho licensed physician.

17 (16) "Emergency medical services" or "EMS" means aid rendered by an in-
 18 dividual or group of individuals who do the following:

19 (a) Respond to a perceived need for medical care in order to prevent
 20 loss of life or aggravation of physiological or psychological illness
 21 or injury;

22 (b) Are prepared to provide interventions that are within the scope of
 23 practice as defined by the commission;

24 (c) Use an alerting mechanism to initiate a response to requests for
 25 medical care; and

26 (d) Offer, advertise or attempt to respond as described in paragraphs
 27 (a) through (c) of this subsection.

28 Aid rendered by a ski patroller, as described in section 54-1804(1)(h),
 29 Idaho Code, is not EMS.

30 (17) "EMS bureau" means the bureau of emergency medical services of the
 31 department.

32 (18) "Emergency medical technician" means a person who has met the
 33 qualifications for licensure as set forth in sections 56-1011 through
 34 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011
 35 through 56-1023, Idaho Code, carries out the practice of emergency care
 36 within the scope of practice determined by the commission and practices un-
 37 der the supervision of an Idaho licensed physician.

38 (19) "Licensed personnel" means those individuals who are emergency
 39 medical responders, emergency medical technicians, advanced emergency med-
 40 ical technicians and paramedics.

41 (20) "National emergency medical services information system tech-
 42 nical assistance center" means an organization that validates software for
 43 compliance with the EMS data set defined by the United States department of
 44 transportation national highway traffic safety administration.

45 (21) "Nontransport service" means an agency licensed by the EMS bu-
 46 reau, operated with the intent to provide personnel or equipment for medical
 47 stabilization at an emergency scene, but not intended to be the service that
 48 will actually transport sick or injured persons.

49 (22) "Nontransport vehicle" means any vehicle operated by an agency
 50 with the intent to provide personnel or equipment for medical stabilization

1 at an emergency scene, but not intended as the vehicle that will actually
2 transport sick or injured persons.

3 (~~1923~~) "Paramedic" means a person who has met the qualifications for li-
4 censure as set forth in sections 56-1011 through 56-1023, Idaho Code, is li-
5 censed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code,
6 carries out the practice of emergency care within the scope of practice de-
7 termined by the commission and practices under the supervision of an Idaho
8 licensed physician.

9 (204) "Supervision" means the medical direction by a licensed physician
10 of activities provided by licensed personnel affiliated with a licensed
11 ambulance, air medical or nontransport service, including, but not limited
12 to: establishing standing orders and protocols, reviewing performance of
13 licensed personnel, providing instructions for patient care via radio or
14 telephone, and other oversight.

15 (215) "Transfer" means the transportation of a patient from one (1) med-
16 ical care facility to another.

17 SECTION 4. That Section 56-1013, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 56-1013. AUTHORIZED ACTIONS. Persons licensed by the EMS bureau shall
20 be authorized to perform such acts under written or oral authorization of
21 a licensed physician as shall be established by rules of the commission,
22 including, but not limited to, administration of intravenous solutions and
23 drugs, cardiac defibrillation, airway management, endotracheal intubation,
24 community health emergency medical services and other patient care.

25 SECTION 5. That Section 56-1014, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 56-1014. LIABILITY. (1) No act or omission of any person who is duly
28 licensed under sections 56-1011 through 56-1023, Idaho Code, by the EMS
29 bureau done or omitted in good faith while rendering emergency medical ser-
30 vices to a person or persons who are perceived to need immediate care in order
31 to prevent loss of life or aggravation of physiological or psychological
32 illness or injury shall impose any liability upon those personnel, the su-
33 pervising physician, the hospital, the organization providing the service,
34 or upon a federal, state, county, city or other local governmental unit,
35 or upon employees of such governmental unit, unless such provider of care
36 or such personnel be shown to have caused injury and damages to such person
37 or persons as a proximate result of his, her or their reckless or grossly
38 negligent misconduct, which shall be the sole grounds for civil liability of
39 such persons in the provision of care or assistance under sections 56-1011
40 through 56-1023, Idaho Code, regardless of the circumstance under which
41 such care or assistance may be provided. This section shall not relieve
42 the organization or agency operating the service from the duty of securing,
43 maintaining and operating, the equipment and licensure designated for use in
44 performing the emergency medical services.

45 (2) The provisions of subsection (1) of this section shall apply to li-
46 censed personnel of another state of the United States who enter this state
47 in response to an emergency to render emergency medical services to a person

1 who is perceived to need immediate care in order to prevent loss of life or
2 aggravation of physiological or psychological illness or injury.

3 (3) No act or omission of any person authorized under this chapter to
4 provide community health emergency medical services shall impose any li-
5 ability upon such person or the person's agency or supervising physician
6 where the act or omission occurs in the course of providing authorized ser-
7 vices and is done or omitted in good faith, unless the person is shown to have
8 caused injury as a result of reckless or grossly negligent misconduct.

9 SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature that
10 the Idaho Emergency Medical Services Physician Commission and the EMS Bureau
11 promulgate rules to govern community health emergency medical services in
12 Idaho.